United Nations CRPD/C/AUT/QPR/2-3

Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues prior to submission of the combined second and third periodic reports of Austria*

A. Purpose and general obligations (arts. 1–4)

1. Please indicate whether the State party has reviewed its legislation and further harmonized it with the provisions of the Convention since the review of its initial report.

2. Please indicate what measures have been taken to ensure that the assessment of disability for gaining access to support services is in line with the human rights model of disablity provided for in the Convention, particularly in article 4 (3).

3. Please provide information on measures taken to ensure the full and effective implementation of the National Disability Action Plan 2012–2020, including the funds allocated for its implementation.

4. Please provide information on measures taken to ensure the full and effective participation of persons with disabilities and their representative organizations, including those representing women, girls and boys with disabilities, in the design, implementation and review of all disability-related legislation and policies, as well as in other policy and decision-making processes.

5. Please indicate what measures have been taken to disseminate the revised version of the German translation of the Convention. Please also indicate the measures that were taken to ensure the participation of persons with disabilities and their representative organizations in the revision and whether the translation of the Convention is available in Easy Read format.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

6. Please provide information on measures taken to strengthen the anti-discrimination laws by broadening the scope of available remedies and including remedies other than financial compensation that would require a change in the behaviour of people who discriminate against persons with disabilities, such as injunctive powers.

7. Please indicate how the State party plans to allow general claims for injunctive relief and removal of barriers, in accordance with the Disability Equality Act.

8. Please provide information on measures taken to strengthen the current frameworks used to deal with situations of multiple discrimination.

* Adopted by the Committee at its twentieth session (27 August–21 September 2018).

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Women with disabilities (art. 6)

9. Please provide information on measures taken to ensure equality and prevent multiple forms of discrimination against women and girls with disabilities and to mainstream a gender perspective in disability-related legislation and policies, and a disability perspective in its legislation and policies concerning women.

10. Please indicate whether women with disabilities are considered as a specific target group by the Public Employment Service.

11. Please provide information on measures taken, including by the Länder (regions), to empower women with disabilities, including measures to provide targeted and accessible services.

Children with disabilities (art. 7)

12. Please provide information on measures taken to make available the necessary professional and financial resources, especially at the local level, to promote and expand community-based rehabilitation and other services in their respective localities, in order to ensure respect of the rights of children with disabilities to live with their families. Please provide data on the number of professionals providing services to boys and girls with disabilities and indicate how austerity measures have affected the provision of those services.

13. Please provide information on the number of children with disabilities not living with their families, including those placed in institutions, and detailed data, including the financial and other resources invested, on measures taken to ensure the deinstitutionalization of children with disabilities.

14. Please provide information on measures taken to prevent any abrogation of the rights of children with disabilities.

Awareness-raising (art. 8)

15. Please provide information on measures taken to promote the Committee's general comments.

16. Please indicate whether the law allowing abortion on the basis of fetal impairment has led to further stigmatization and stereotyping of persons with disabilities and their parents in the State party.

Accessibility (art. 9)

17. Please indicate whether all public services, especially educational, health and social services, as well as all client services, have been made fully accessible at the Federal, Land and municipal levels, in line with the State party's legislation and the Committee's concluding observations (CRPD/C/AUT/CO/1).

18. Please provide information on progress made in making all public transport and infrastructures accessible, including making information on public transport accessible for independent use by blind persons.

19. Please indicate what percentage of public websites and applications fulfill the requirements of European Union Directive 2016/202.

20. Please indicate what steps the Federal Government is taking in order to satisfy the need for sign language interpreters.

21. Please provide information on measures taken to:

(a) Further strengthen the monitoring mechanisms in place to ensure that the allocation of funds aimed at the removal of accessibility barriers is adequately monitored, and to provide continuous training for relevant monitoring staff;

(b) Include continuous training on accessiblity through universal design as part of mandatory curricula for professionals such as architects, designers, engineers and programmers;

(c) Utilize public procurement procedures to ensure full accessibility.

22. Please provide information on measures taken to implement targets 11.2 and 11.7 of the Sustainable Development Goals.

Situations of risk and humanitarian emergencies (art. 11)

23. Please provide information on measures taken to make services and facilities available to migrants, asylum seekers and refugees with disabilities fully accessible and disability-inclusive.

24. Please provide information on measures taken to make disaster risk management fully accessible and disability-inclusive, in line with the Sendai Framework for Disaster Risk Reduction 2015–2020.

Equal recognition before the law (art. 12)

25. Please provide information on measures taken to provide persons with disabilities with support in decision-making, including any reform of legislation and funds provided for supported decision-making. Please also provide information on ways in which individuals' choices, will and preferences are taken in account when providing individuals with support in decision-making.

26. Please indicate whether the number of persons under substituted decision-making regimes has decreased or increased since the State party's ratification of the Convention.

27. Please provide information on any training at the national, regional and local levels for all actors, including civil servants, judges and social workers, on recognition of the legal capacity of persons with disabilities and on mechanisms for supported decision-making.

Access to justice (art. 13)

28. Please provide information on measures taken to provide procedural accommodation for persons with disabilities in different proceedings, including data on the number of available sign language interpreters, the physical accessibility of court buildings and the availability of official documents in proceedings in accessible formats, including Braille, electronic and Easy Read formats.

Liberty and security of the person (art. 14)

29. Please provide information on measures taken to review legislative provisions that allow for deprivation of liberty on the basis of disability, including intellectual and/or psychosocial disabilities, and to ensure that the provision of health-care services, including all mental health-care services, is based on the free and informed consent of the person concerned.

30. Please provide information on any steps taken to oppose the adoption of the Council of Europe Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine, given that this Protocol infringes on several provisions of the Convention on the Rights of Persons with Disabilities, especially article 14, to which the State is a party.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

31. Please provide information on measures taken to abolish the use of net beds, restraints and other non-consensual practices with regard to persons with intellectual disabilities and persons with psychosocial disabilities in psychiatric hospitals, institutions or anywhere else.

32. Please indicate whether intersex children are treated as children with disabilities and if surgery continues to be performed on these children in the State party. If so, please provide data on the number of children who have undergone surgery since the the review of the initial report.

33. Please provide information on measures taken to implement the recommendations relating to persons with disabilities made by the Committee against Torture in 2015 (CAT/C/AUT/CO/6).

Freedom from exploitation, violence and abuse (art. 16)

34. Please provide information on effective measures taken to ensure the protection of persons with disabilities from exploitation, violence and abuse. Especially, please provide information on the establishment of protocols for the early detection of violence, above all in institutional settings, the provision of procedural accommodation to gather testimonies of victims, the prosecution of those responsible, and the type of redress that persons with disabilities who are victims of violence receive.

35. Please provide information on how article 16 (3) is being implemented, particularly within the mental health system.

Protecting the integrity of the person (art. 17)

36. Please indicate the measures taken to abolish the forced sterilization of women and girls with disabilities, without their consent but with the consent of third parties, and to ensure accessible information about sterilization procedures and the protocols in place.

Living independently and being included in the community (art. 19)

37. Please provide information on measures taken, including the provision of adequate funding, to enable the diversity of persons with disabilities to enjoy their right to freely choose their residence on an equal basis with others and to access a full range of in-home and other community services for daily life, including personal assistance.

38. Please provide information on the use of European Union structural funds and national funds, including precise data on funds provided for personal assistance, in line with general comment No. 5 (2017) on living independently and being included in the community, and other support services in communities, including support for the deinstitutionalization of boys and girls with disabilities.

39. Please indicate:

(a) The number of residential homes for persons with disabilities in the State party, disaggregated by the number of residents in each of the homes;

(b) The number of persons with disabilities placed in residential homes for older persons with disabilities.

Personal mobility (art. 20)

40. Please explain whether austerity measures have led to a reduction in State party grants for the adaptation of cars used by persons with disabilities, and in their access to quality mobility aids.

Education (art. 24)

41. Please provide information on the funding available to provide reasonable accommodation for students with disabilities based on individual requirements, to provide students with disabilities with the support they require within the mainstream education system, and to continue training teachers and all other educational and non-teaching staff to accommodate quality inclusive educational settings, in line with general comment No. 4 (2016) on the right to inclusive education. Please indicate what measures are taken to promote and encourage the training and hiring of teachers with disabilities. Please provide information on measures taken to implement targets 4.5 and 4 (a) of the Sustainable Development Goals.

Work and employment (art. 27)

42. Please provide information on measures taken to enhance programmes for the employment of persons with disabilities in the open labour market and to narrow the employment and gender pay gaps. Please provide specific information on measures taken to

promote the transition of persons with disabilities from sheltered employment to the open labour market. Furthermore, please provide information on measures taken to ensure that social insurance contributions are made for such persons. Please provide information on measures taken to implement target 8.5 of the Sustainable Development Goals.

Participation in political and public life (art. 29)

43. Please provide information on measures taken to ensure that voting is fully accessible to all persons, irrespective of disability, and that voting information is provided in all accessible formats.

C. Specific obligations (arts. 31–33)

International cooperation (art. 32)

44. Please provide information on measures taken to make national implementation of the 2030 Agenda for Sustainable Development and international cooperation accessible and disability inclusive. Please indicate how persons with disabilities, through their representative organizations, are involved in the implementation of the Sustainable Development Goals.

45. Please provide information on how the State party includes a human rights perspective in all international cooperation efforts targeting persons with disabilities.